



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,912	08/26/2003	Heemyoung Park	FIS920030026US1	1911
29154	7590	06/18/2009		
FREDERICK W. GIBB, III Gibb Intellectual Property Law Firm, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			EXAMINER KEBEDE, BROOK	
			ART UNIT 2894	PAPER NUMBER
			MAIL DATE 06/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10604912	8/26/03	PARK ET AL.	FIS920030026US1

FREDERICK W. GIBB, III  
Gibb Intellectual Property Law Firm, LLC  
2568-A RIVA ROAD  
SUITE 304  
ANNAPOLIS, MD 21401

**EXAMINER**

Brook Kebede

ART UNIT	PAPER
----------	-------

2894 20090615

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The instant application is remanded back to the Examiner by Board of Patent Appeals and interference for inconstancy of claim 9 between the Appeal Brief filed on November 17, 2006 and the amendment dated filed April 18, 2006 as set forth below:

On November 17, 2006, appellants filed an Appeal Brief. A review of the file reveals that claim 9 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed on April 18, 2006. The Appeal Brief Appendix of Claims (claim 9, page 39, line 7) reads: "forming spacers with a target spacer width adjacent to said gate, wherein in order..." However, the Amendment dated April 18, 2006 (claim 9, page 5, line 7-8) reads: "forming spacers with a target spacer width adjacent to said gate stack, wherein in order..." Appropriate correction required.

Accordingly, the Examiner contacted Ms. Pamela M. Riley, Esq., attorney for Applicants, discussed the issue and suggests Applicants to file a miscellaneous letter that includes the "Appendix of Claims" in order to correct the claim in question.

/Brook Kebede/  
Primary Examiner, Art Unit 2894